IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.3322 of 2006
Date of Decision : October 11, 2006.

Shagun Lal ..... Petitioner

Vs.

Didar Singh and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.O.P.Kamboj, Advocate
for the petitioner.

Mr.Vijay Lath, Advocate
for respondent no.1.

Mr.G.C.Gupta, DAG, Punjab
for respondent no.2.

Mr.Paul S.Saini, Advocate
for respondent no.6.

* * *

P.S.Patwalia, J. (Oral) :

Even though respondents no.4 and 5 have not been served yet Mr.Paul S.Saini, Advocate appearing for respondent no.6 states that since respondent no.6 Insurance Company is to cover the liability of respondents no.4 and 5, subject to terms and conditions of the insurance policy, they

need not be served at this stage in this Civil Revision.

The present revision petition has been filed by the claimant aggrieved by the order of Motor Accident Claims Tribunal, Ferozepur whereby his evidence was closed by order. Learned counsel for the petitioner-claimant contends that in fact he wanted to summon Dr. Navin Bansal who did not appear in spite of being served and in spite of the fact that even Bailable Warrants were issued for his production. Thereafter he however sought to produce Dr.Rajnish Garg. Dr.garg also did not appear in spite of being served and Bailable Warrants were to be issued against him also but could not be issued as the claimant could not file the warrant fee. It is after noticing this fact and the fact that the claimant had availed nine opportunities to conclude his evidence that the Motor Accident Claims Tribunal, Ferozepur closed the evidence of the claimant. After hearing learned counsel for the parties I am of the opinion that the interest of justice would be served if the claimant is given one more effective opportunity to produce a doctor from Dayanand Medical College to prove the medical record and also to conclude his evidence. The order dated 6.6.2006 is therefore set aside. The claimant would be given one effective opportunity by the Tribunal to produce his entire remaining evidence including any doctor from Dayanand Medical College whose attendance will be enforced by the Tribunal.

The Civil Revision stands disposed of accordingly.

October 11, 2006 (P.S.Patwalia)
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